

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2016 JUN 21 AM 10:59

CLERK C Adams  
SD. DIST. OF GA

ROBERT K. CHAMBERS,

Plaintiff,

vs.

SHERIFF PEACOCK and JOHN DOE,

Defendants.

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CIVIL ACTION NO.  
CV 315-067

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O R D E R

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On January 20, 2016, the United States Magistrate Judge entered a Report and Recommendation recommending the dismissal of Plaintiff Robert K. Chambers' case brought pursuant to 42 U.S.C. § 1983. The Report and Recommendation concluded that Plaintiff's claims were time barred by the applicable statute of limitations.

Plaintiff was required to file any objections to the Report and Recommendation by February 8, 2016. The Court then granted Plaintiff an extension to March 10, 2016. No objections were filed. On March 15, 2016, the Court adopted the Report and Recommendation, and the case was closed.

On April 19, 2016, Plaintiff filed late objections within the context of a motion for reconsideration. (Doc. No. 25.) Plaintiff first suggests that the Report and Recommendation

should not have been entered because he has been paying his filing fee in accordance with the court order. However, Plaintiff has missed the point that "[t]he entire filing fee must be paid even if this suit is dismissed at the outset because it is frivolous, malicious, fails to state a claim, or seeks monetary damages against a defendant who is immune from such relief." (See Order of Aug. 4, 2015, doc. no. 10, at 2.) In other words, the payment of the filing fee does not insulate Plaintiff's lawsuit from the Court's initial screening under the in forma pauperis statute.

With respect to Plaintiff's substantive objections, Federal Rule of Civil Procedure 60(b) provides grounds upon which a court may grant relief from a final judgment when such judgment rests upon a defective foundation. See Gonzalez v. Sec'y for Dep't of Corr., 366 F.3d 1253, 1291-92 (11th Cir. 2004). Here, Plaintiff has offered nothing new to warrant this Court's reconsideration of its prior ruling. Indeed, the Report and Recommendation and the subsequent Adoption Order of March 15, 2016, rest on sound legal principles.

Upon the foregoing, Plaintiff's motion for reconsideration (doc. no. 25) is DENIED.

ORDER ENTERED at Augusta, Georgia, this 21st day of June, 2016.

  
UNITED STATES DISTRICT JUDGE